

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO. 2024-022769-CA-01
SECTION: CA02

KP INVESTMENTS MIAMI, LLC,

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

_____ /

DEFENDANT'S EMERGENCY OBJECTION TO ORDER ENTERED
AFTER DIVESTITURE AND DISQUALIFICATION, AND NOTICE OF
PENDING SUPREME COURT AND FEDERAL OVERSIGHT

COMES NOW the Defendant, Mario Mirabal, and files this Emergency
Objection to the Order Granting Sanctions dated September 4, 2025 entered
by Judge Lourdes Simon, and states the following:

I. JURISDICTION WAS DIVESTED PRIOR TO ENTRY OF ORDER

Defendant formally filed a Notice of Federal Removal on April 28, 2025,

which was entered on the docket as D.E. 44, pursuant to 28 U.S.C. § 1446(d). This notice divested the trial court of jurisdiction, and under binding federal law, the state court "shall proceed no further" once removal is effected. Despite this divestiture, the Court entered a sanctions order threatening default judgment and compelled discovery enforcement — in clear violation of federal supremacy.

II. JUDGE SIMON IS UNDER A PENDING MOTION FOR DISQUALIFICATION

On August 29, 2025, Defendant filed a Motion to Disqualify Judge Simon under Florida Rule of General Practice and Judicial Administration 2.330 (D.E. 105). Under subsection (f), all judicial activity must cease immediately upon service of the motion until ruled upon. As of this filing, no order on disqualification has been entered, and Judge Simon lacks authority to proceed further in the case.

III. PENDING CONSTITUTIONAL REVIEW IN STATE AND FEDERAL COURT

Defendant respectfully reminds the Court that the following proceedings are actively reviewing the legality and integrity of this action:

Florida Supreme Court Case No. SC2025-1325 – All Writs Petition filed in July 2025, supplemented multiple times, now includes Exhibit E: the very Sanctions Order entered on September 4, 2025, post-disqualification;

Eleventh Circuit Court of Appeals – Multiple consolidated appeals and a Rule

60(d)(3) motion alleging fraud upon the court and illegal assignment and securitization practices by Plaintiff and its counsel, based on forensic analysis of the Pooling and Servicing Agreement governing the mortgage trust;

Notice of Federal Proceedings and Notice of Stay Pending Appeal previously filed and ignored by Plaintiff, despite warnings that continued litigation would violate both state and federal jurisdictional rules.

IV. RELIEF REQUESTED

Defendant respectfully requests that this Court:

Immediately vacate the September 4, 2025 Sanctions Order as void, ultra vires, and issued in violation of state and federal law;

In the alternative, stay all proceedings, including the scheduled September 10, 2025 deposition, pending resolution of:

The Florida Supreme Court All Writs Petition (SC2025-1325),

Federal jurisdictional issues before the Eleventh Circuit,

The disqualification motion, which remains pending and legally operative.

RESERVATION OF RIGHTS

Defendant expressly reserves all federal and constitutional rights, including those preserved under 28 U.S.C. § 1446(d), Article VI of the U.S. Constitution (Supremacy Clause), and related state constitutional guarantees. Defendant's nonappearance at any proceeding held under a disqualified judge or during federal removal shall not be deemed consent, waiver, or default.

Respectfully submitted,

/s/ Mario Mirabal

Mario Mirabal, Pro Se

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via the Florida Courts E-Filing Portal and served upon all parties of record on this 5th day of September, 2025.